



Office of Environment, Safety & Health

10 CFR 851 Worker Safety & Health Enforcement

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March 14, 2006





10 CFR 851

Worker Safety & Health

Enforcement





Enforcement Philosophy

- ◆ **Relationship with contractors different from NRC or OSHA's arms-length relationships with regulated entities**
- ◆ **Use of program as a tool to promote proactive contractor behavior resulting in improved safety performance**





Enforcement Procedures

- ◆ **WSH enforcement will use existing nuclear safety enforcement procedures with some changes (Appendix B)**
- ◆ **Enforcement procedures being updated to accommodate WSH, to include reporting thresholds and other guidance referenced in the Rule**





Self-Reporting Noncompliances

- ◆ **DOE strongly encourages self-reporting into Noncompliance Tracking System for violations above reporting thresholds (*Appendix B, IX*)**
- ◆ **Up to 50% mitigation for self-identification and reporting (*Appendix B, IX*)**
- ◆ **Up to 50% mitigation for appropriate corrective actions (*Appendix B, IX*)**





Investigations and Inspections

- ◆ **DOE Enforcement Officers have the right to enter work areas without delay to conduct inspections (851.40)**
- ◆ **DOE may conduct focused inspections (851.40)**
- ◆ **Workers/work representatives may request an investigation/inspection (851.40)**
- ◆ **Worker representative may accompany DOE Enforcement Officers during physical inspection (851.20)**





Violations

- ◆ **Severity Level I – “Serious”** (*Appendix B, VI*)
 - Potential that death or serious physical harm could result

- ◆ **Severity Level II – “Other than Serious”** (*Appendix B, VI*)
 - Most serious injury or illness that would potentially result cannot reasonably be predicted to cause death or serious physical harm, but does have a direct relationship to safety and health





Penalties

- ◆ **The Director has been delegated enforcement authority (851.3) (*Appendix B, IV*)**
- ◆ **Only contract penalties can be used against non-indemnified contractors**
- ◆ **For indemnified contractors**
 - **Civil Penalties are preferred but contract penalties may be used in egregious cases or when there is a general failure to perform (*Appendix B, IX*)**
 - **The Director determines whether civil or contract penalties will be pursued and will coordinate with appropriate contracting officers (*Appendix B, IX*)**

